

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of:)	
)	
KTNC Licensee, LLC)	
)	CSR-6020-A
Petition for Modification of the San Francisco, California DMA)	
)	

MEMORANDUM OPINION AND ORDER

Adopted: February 6, 2003

Released: February 12, 2003

By the Deputy Chief, Policy Division, Media Bureau:

I. INTRODUCTION

1. KTNC Licensee, LLC, licensee of station KTNC-TV (Ind., Ch. 42), Concord, California ("KTNC-TV"), filed the above-captioned petition for special relief seeking to modify the San Francisco, California designated market area ("DMA") to include approximately 124 communities and unincorporated county areas located within the Sacramento-Stockton-Modesto, California DMA. Subsequently, KTNC-TV filed a supplement to its petition. Comcast Cable Holdings, LLC ("Comcast") filed an opposition for the inclusion of 29 of the communities identified by KTNC-TV. USA Media Group LLC ("USA") filed an opposition with respect to only two of the communities. KTNC-TV has replied to both oppositions.

II. DISCUSSION

2. In its opposition to KTNC-TV's petition for modification Comcast pointed out that KTNC-TV's petition was procedurally defective because it failed to serve copies of its petition on the franchising authorities of the communities at issue and the television stations licensed to the Sacramento DMA.¹ Our review of KTNC-TV's petition confirmed this deficiency. KTNC-TV failed to respond to this allegation in its reply or to correct the omission.

3. Section 76.7(a)(3) of the Commission's rules requires that petitions or complaints filed with the Commission be accompanied by a certificate of service indicating that the petitioner served a copy of its petition on any cable system operator, franchising authority, station licensee, permittee, or applicant, or other interested person who is likely to be directly affected if the relief requested is granted.² The certificate of service attached to KTNC-TV's petition shows service only on the cable operators serving the communities at issue. In market modification cases where a station seeks to expand its market into another DMA, we also consider as interested parties and thus entitled to service all franchising authorities in the affected areas and all other television stations licensed to communities within the DMA

¹Comcast Opposition at 2 n.4.

²47 C.F.R. § 76.7(3).

in which the subject communities are located.³ In light of KTNC-TV's failure to comply with this procedural requirement, its petition for modification will be dismissed without prejudice. KTNC-TV may re-file its request at a later date.

III. ORDERING CLAUSES

4. Accordingly, **IT IS ORDERED**, pursuant to Section 614(h) of the Communications Act of 1934 and Section 76.59(c) of the Commission's rules, that the petition for special relief, filed by KTNC Licensee, LLC **IS DISMISSED WITHOUT PREJUDICE**.⁴

5. This action is taken pursuant to authority delegated by Section 0.283 of the Commission's rules.⁵

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckaert
Deputy Chief, Policy Division
Media Bureau

³In *Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issue ("Must Carry Order")*, 8 FCC Rcd 2965, 2977 (1993), the Commission discussed the service requirements broadcasters faced in filing petitions for market modification, stating that "[a] broadcast station submitting such a request will be required to serve a copy of its request on the cable system, other non-superstation broadcasters whose signals are carried on that system and any franchising authorities that regulate the system."

⁴47 U.S.C. § 534(h); 47 C.F.R. § 76.59(c).

⁵47 C.F.R. § 0.283.